

§ 53.19

with the performance of service. A minimum charge for 1 hour shall be made for service pursuant to each request notwithstanding that the time required to perform service may be less than 60 minutes. The base hourly rate shall be \$29.40 per hour for work performed between the hours of 6 a.m. and 6 p.m., Monday through Friday, except on legal holidays; \$32.80 per hour for work performed before 6 a.m. or after 6 p.m., Monday through Friday, and anytime Saturday or Sunday except on legal holidays; and \$58.80 per hour for all work performed on legal holidays.

(b) *Travel charges.* When service is requested at a place so distant from an official grader's headquarters, or place of prior assignment on a circuitous routing that a total of one-half hour or more is required for the grader to travel to such place and back to the headquarters, or to the next place of assignment on a circuitous routing, the charge for such service shall include a mileage charge administratively determined by the Chief, and travel tolls, if applicable, for such travel prorated against all the applicants furnished the service involved on an equitable basis, or where the travel is made by public transportation (including hired vehicle), a fee equal to the actual cost thereof. However, the applicant will not be charged a new mileage rate without notification before the service is rendered.

(c) *Per diem charges.* When service is requested at a place away from the official grader's headquarters, the fee for such service shall include a per diem charge if the employee performing the service is paid per diem in accordance with existing travel regulations. Per diem charges to applicants will cover the same period of time for which the grader receives per diem reimbursement. The per diem rate will be administratively determined by the Chief. However, the applicant will not be charged a new per diem rate without notification before the service is rendered.

(d) *Fees for extra copies of certificates.* In addition to copies of certificates furnished under § 53.16, any financially interested person may obtain not to exceed three copies of any such certificate within 1 year from its date of

7 CFR Ch. I (1-1-12 Edition)

issuance upon payment of a fee of \$1.00, and not to exceed three copies of any such certificate at any time thereafter, while a copy of such certificate is on file in the Department, upon payment of a fee of \$5.00.

(e) *Other charges.* When costs, other than costs specified in paragraphs (a), (b), (c), and (d) of this section, are involved in providing the services, the applicant will be charged for these costs. The amount of these charges will be determined administratively by the Chief. However, the applicant will not be charged for such cost without notification before the service is rendered of the charge for such item of expense.

[42 FR 53902, Oct. 4, 1977, as amended at 47 FR 54927, Dec. 7, 1982; 48 FR 16874, Apr. 20, 1983]

§ 53.19 Payment of fees and other charges.

Fees and other charges for service shall be paid in accordance with the following provisions unless otherwise provided in the cooperative agreement under which the service is furnished. Upon receipt of billing for fees and other charges for service the applicant shall remit by check, draft, or money order, made payable to the Agricultural Marketing Service, U.S.D.A., payment for the service in accordance with directions on the billing, and such fees and charges shall be paid in advance if required by the official grader or other authorized official.

MISCELLANEOUS

§ 53.20 Identification.

All official graders and supervisors shall have their Agricultural Marketing Service identification cards in their possession at all times while they are performing any function under the regulations and shall identify themselves by such cards upon request.

§ 53.21 Errors in service.

When an official grader, supervisor, or other responsible employee of the Branch has evidence of misgrading, or of incorrect certification or other incorrect determination or identification as to the class, grade, other quality, or compliance of livestock, he shall report the matter to his immediate supervisor. The supervisor will investigate

Agricultural Marketing Service, USDA

Pt. 54

the matter and, if he deems advisable, will report it to the owner or his agent. The supervisor shall take appropriate action to correct errors found in the determination or identification of class, grade or other quality or compliance of livestock if the livestock is still owned by the person who owned them when, and are still located at the establishment where, the incorrect service was rendered and if such service was rendered by a grader under the jurisdiction of such supervisor, and the supervisor shall take adequate measures to prevent the recurrence of such errors.

Subpart B [Reserved]

PART 54—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Subpart A—Regulations

DEFINITIONS

Sec.

- 54.1 Meaning of words.
- 54.2 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

ADMINISTRATION

- 54.3 Authority.

SERVICE

- 54.4 Kind of service.
- 54.5 Availability of service.
- 54.6 How to obtain service.
- 54.7 Order of furnishing service.
- 54.8 When request for service deemed made.
- 54.9 Withdrawal of application or request for service.
- 54.10 Authority of agent.
- 54.11 Denial or withdrawal of service.
- 54.12 Financial interest of official grader.
- 54.13 Accessibility and refrigeration of products; access to establishments.
- 54.14 Official certificates.
- 54.15 Advance information concerning service rendered.
- 54.16 Marking of products.
- 54.17 Official identifications.
- 54.18 Custody of identification devices.

APPEAL SERVICE

- 54.19 What is appeal service; marking products on appeal; requirements for appeal; certain determinations not appealable.
- 54.20 Request for appeal service.

- 54.21 When request for appeal service may be withdrawn.
- 54.22 Denial or withdrawal of appeal service.
- 54.23 Who shall perform appeal service.
- 54.24 Appeal certificates.
- 54.25 Superseded certificates.
- 54.26 Application of other regulations to appeal service.

CHARGES FOR SERVICE

- 54.27 Fees and other charges for service.
- 54.28 Payment of fees and other charges.

MISCELLANEOUS

- 54.29 Identification.
- 54.30 Errors in service.
- 54.31 Uniforms.

Subpart B [Reserved]

Subpart C—Regulations Governing the Certification of Sanitary Design and Fabrication of Equipment Used in the Slaughter, Processing, and Packaging of Livestock and Poultry Products

- 54.1001 Meaning of words.
- 54.1002 Terms defined.
- 54.1003 Designation of official certificates, memoranda, marks, and other identifications for purposes of the Agricultural Marketing Act.
- 54.1004 Administration and implementation.
- 54.1005 Basis of service.
- 54.1006 Kind of service.
- 54.1007 Availability of service.
- 54.1008 How to obtain service.
- 54.1009 Order of furnishing service.
- 54.1010 When request for service deemed made.
- 54.1011 Withdrawal of application or request for service.
- 54.1012 Authority of agent.
- 54.1013 When an application may be rejected.
- 54.1014 Accessibility of equipment and utensils; access to establishments.
- 54.1015 Official reports, forms, and certificates.
- 54.1016 Advance information concerning service rendered.
- 54.1017 Authority to use official identification.
- 54.1018 Form of official identification and approval for use.
- 54.1019 Renewal of Acceptance Certification.
- 54.1020 Appeal service; marking equipment or utensils on appeal; requirements for appeal; certain determinations not appealable.
- 54.1021 Request for appeal service.
- 54.1022 When request for appeal service may be withdrawn.
- 54.1023 Denial or withdrawal of appeal service.